

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

BRYON CARL BROWN,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-07-0771-F
)	
JOSEPH SCIBANA, Warden,)	
)	
Respondent.)	

ORDER


Petitioner, a federal prisoner appearing *pro se*, has filed a Petition for a Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241. On December 5, 2007, Magistrate Judge Doyle W. Argo entered his Report and Recommendation, recommending that the petition be denied. (Doc. no. 18.) On January 2, 2008, petitioner filed an amended objection to the Report and Recommendation. (Doc. no. 20.) The court treats the objections as if timely filed, and reviews all objected to matters *de novo*. Petitioner's pleadings are liberally construed.

Having reviewed all objected to matters *de novo*, the court finds and concludes that it agrees with the Report and Recommendation of the magistrate judge. The court further finds that no purpose would be served by restating here any of the Magistrate Judge's determinations or by offering any additional analysis of the issues.¹

¹It appears that certain matters included in petitioner's amended objections may have been raised by the petitioner for the first time in those objections. Matters raised for the first time in objections to the magistrate judge's report are deemed waived. See, Marshall v Chater, 75 F.3d 1421, 1426-27 (10th Cir. 1996) (social security claimant seeking judicial review waived due process argument where that argument was raised for first time in objections to magistrate judge's report); Tracy v. Addison, 16 Fed. Appx. 928, 930 at n.4 (10th Cir. 2001)(unpublished habeas case cited per requirements of Tenth Circuit Rule 36.3, in which issue raised for the first time in objections to magistrate judge's report was deemed waived).

Accordingly, petitioner's objection to the Report and Recommendation is **DENIED**, and the Report and Recommendation of Magistrate Judge Doyle W. Argo is **ACCEPTED, ADOPTED, and AFFIRMED** in its entirety. Pursuant to the recommendations of the Magistrate Judge, the Petition for a Writ of Habeas Corpus is **DISMISSED** without prejudice for lack of jurisdiction.

Dated this 18th day of January, 2008.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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